



UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin Starzmann
Serial No. : 09/463,598
Filed : January 27, 2000

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REMARKS

In the Office Action mailed June 25, 2002, the Examiner has maintained the rejected claims 1-12 under 35 U.S.C. 103(a) as being unpatentable over Miller et al., United States Patent No. 5,242,621. Applicant respectfully traverses this rejection. As the Examiner states on page 2 of this Office Action, the applicant's claims do not require that the composition be glycol-free. Accordingly, applicant amends claim 1, upon which claims 2-12 depend, to include the restriction that the composition be glycol-free. It is quite clear that the invention is directed to glycol-free corrosion protected heating/cooling fluid. For example, page 1, lines 21-22, state that ethylene glycol is highly toxic. The discussion of EP-B-0 306 972 notes that this prior art is glycol-free (page 1, lines 25-30), although other shortcomings are noted. Hence, adding this language to claim 1 is not adding a new subject matter to this claim.

Applicant further adds claims 13 and 14 which further define the invention; support for these claims can be found beginning on line 27 of page 2 and continuing to page 3, line 2. While Miller et al. does not require the antifreeze component to be a glycol, all of the "typical mixtures" he disclosed included glycols, and ethylene glycol is said to be preferred as the major antifreeze component (col. 3, lines 50-57.) One skilled in the art would not interpret Miller et al. to be disclosing anything other than glycol antifreeze components, and no weight should be given to the language in that patent having no support, such as "and other freezing point depressants." (Col. 3, lines 55-56). No indication is given in Miller et al. about the specific combination claimed in the

present invention. Thus, applicant restates his belief that the present invention as disclosed and claimed cannot be regarded to be obvious over Miller et al. Applicant respectfully requests that this rejection of claims 1-12 as being unpatentable over Miller et al. be withdrawn.

No new matter has been added. Applicant respectfully requests that the Examiner allow the application. It is specifically requested that the amendment to claim 1 be entered, even if new claims 13 and 14 are not. If the Examiner has any questions, please do not hesitate to contact the undersigned.

Date: _____

August 23, 2002

DPH/KRV

Attached: Marked Up Claims

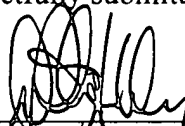
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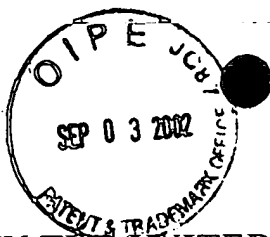
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Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Martin Starzmann

Serial No. : 09/463,598

Filed : January 27, 2000

Title : FROST RESISTANT HEATING/COOLING FLUID

Art Unit : 1751

Examiner : Derrick G. Hamlin

Attorney Docket: GP7287US (#90225)

ATTACHMENT TO AMENDMENT

MARKED UP CLAIMS SHOWING CHANGES RELATIVE TO THE ORIGINAL VERSION

1. (Thrice Amended) A frost resistant heating or cooling fluid containing alkali salts of acetic acid or formic acid, wherein the fluid is glycol free and further contains a corrosion inhibitor consisting of a mixture selected from the group of C₅-C₁₆ monocarboxylic acid; alkali-salt, ammonium-salt, and amino-salts of C₅-C₁₆ monocarboxylic acid; C₅-C₁₆ dicarboxylic acid, alkali-salt, ammonium-salt and amino-salts of C₅-C₁₆ dicarboxylic acid; and a triazole.

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